

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

CATHY L. COLBERT,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Civil No. 3:10-cv-05665-BHS-KLS

ORDER OF REMAND

Based on the Report and Recommendation of United States Magistrate Karen L. Strombom, and the stipulation of the parties, it is hereby ORDERED that the above captioned case be reversed and remanded for further administrative proceedings including a *de novo* hearing.

On remand, the Administrative Law Judge (ALJ) will be directed to further evaluate and properly address the opinion evidence of Richard Price, M.D., Tr. 241-45; Rogelio S. Zaragoza, M.D., Tr. 288-92; Kimberly Wheeler, Ph.D., Tr. 326-37; and Shirley Deem, M.D., Tr. 246-49, in accordance with the guidelines set forth in regulations. 20 C.F.R. §§ 404.1527, 416.927. The ALJ will note that Plaintiff did seek treatment and counseling for her mental impairments with Theresa Kelso, MSW BCD. The ALJ will provide specific rationale if he discredits functional limitations assessed by Plaintiff's medical sources. In so doing, if the

1 ALJ finds other evidence more persuasive than the medical source opinions, the ALJ will  
2 provide citation to such other evidence. The ALJ will be directed to further assess and properly  
3 address the lay witness statement, Tr. 430-31, and to provide sufficient rationale for the  
4 conclusion reached. Social Security Ruling 06-03p, *available at* 2006 WL 2329939.

5 Upon proper application, reasonable attorney fees should be awarded, pursuant to the  
6 Equal Access to Justice Act, 28 U.S.C. § 2412.

7 DATED this 11<sup>th</sup> day of March, 2011.

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11 BENJAMIN H. SETTLE  
United States District Judge

12 Presented By:

13 s/ Terry E. Shea

14 TERRY E. SHEA, WSB #27609  
15 Special Assistant United States Attorney  
Office of the General Counsel  
Social Security Administration  
16 701 Fifth Avenue, Suite 2900 MS/221A  
Seattle, Washington 98104-7075  
17 Telephone: (206) 615-2143  
Fax: (206) 615-2531  
18 terrye.shea@ssa.gov